

## **REMARKS**

This responds to the first Office Action mailed August 31, 2007, in connection with the above identified patent application. Prior to entry of this amendment, claims 1-20 were pending in the application. By this amendment claims 1, 17 and 19 have been amended.

In particular, it is to be noted that amended independent claim 1 does not introduce new matter since it contains only limitations that were already disclosed in the original application, for example, in lines 23 – 30 on page 3 of the Specification.

### **Objection to the Abstract**

The Office Action objected to the Abstract submitted with the Preliminary Amendment filed with the application because it should be on a single clean sheet by itself. By this amendment, a clean copy of the Abstract is presented on page 2. Applicants respectfully submit no new matter has been added and request withdrawal of the objection.

### **Claim Rejection - 35 U.S.C. 112**

Claims 17 and 19 were rejected under 35 U.S.C. 112 (2<sup>nd</sup> paragraph), as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 17 and 19 have been amended in order to comply with 35 U.S.C. 112 (2<sup>nd</sup> paragraph), in particular by providing antecedent basis of the citation “access conduit”.

## Claim Rejections - 35 U.S.C. 102

Claims 1 - 4, 9 and 13 - 15 were rejected under 35 U.S.C. 102(b) as being anticipated by Itoh et al. (EP 362888).

Moreover, claims 1 and 3-5 were rejected under 35 U.S.C. 102(b) as being anticipated by Velo (EP 504773).

Amended claim 1 now recites:

*"A machine (100) for the treatment of pharmaceutical products (P) comprising a pan (2) that revolves about an axis of rotation (X) and a dispensing unit (3) designed to disperse a coating material inside the pan (2) over a mass (M) of the products (P) located in the pan (2); the machine (100) being characterised in that the pan (2) has an opening (7) for feeding the products to be treated (P) into the pan (2), and an opening (8) for feeding the products (PT) already treated with the coating material out of the pan, the infeed opening (7) and the outfeed opening (8) being separate and independent of each other; a truncated cone shaped front portion (K) of the inside surface of the pan (2) being equipped with at least one helical flow regulating fin (4, 5, 6) extending along the whole truncated cone shaped front portion of the inside surface in a respective helical direction and designed to facilitate inflow (F3) of the products to be treated (P) into the pan (2) during the feeding of the products (P) into the pan (2) through the infeed opening (7) when the pan (2) itself revolves in a first direction of rotation (F1), and to cause outflow (F4) of the treated products (PT) from the pan (2) during the outfeed of the treated products (PT) from the pan (2) through the outfeed opening (8) when the pan (2) itself revolves in a second direction of rotation (F2), opposite to the first direction of rotation (F1) ".*

Itoh relates to a machine for the treatment of pharmaceutical products comprising a pan (1) that revolves about an axis of rotation and a dispensing unit (11) designed to disperse a coating material inside the pan (1) over a mass of the products located in the pan. The pan (1) has an opening for feeding the products to be treated into the pan, and an opening for feeding the products already treated with the coating material out of the pan, the infeed opening and the outfeed opening are separate and independent of each other.

Itoh fails to disclose at least **one helical flow regulating fin extending along the whole truncated cone shaped front portion of the inside surface in a respective helical direction.**

Indeed, Itoh clearly shows discharging means (15) provided with L-shaped sheet like member (16). In the drawings and in the specification, there is no mention about an helical shape of said discharging means.

Moreover, Itoh does not disclose that the L-shaped sheet like member (16) **is designed to facilitate inflow of the products to be treated into the pan, and to cause outflow of the treated products from the pan.**

By contrast, in the present invention, the helical flow regulating fin is adapted to facilitate inflow of the products to be treated into the pan, and to cause outflow of the treated products from the pan.

Velo relates to a machine for the treatment of pharmaceutical products comprising a pan (5) that revolves about an axis of rotation. The pan has an opening for feeding the products to be treated into the pan, and an opening for feeding the products already treated with the coating material out of the pan, the infeed opening and the

outfeed opening are separate and independent of each other. A truncated cone shaped front portion of the inside surface of the pan is equipped with at least one helical flow regulating fin (19) designed to facilitate inflow of the products to be treated into the pan during the feeding of the products into the pan through the infeed opening when the pan itself revolves in a first direction of rotation, and to cause outflow of the treated products from the pan during the outfeed of the treated products from the pan through the outfeed opening when the pan itself revolves in a second direction of rotation, opposite to the first direction of rotation.

Velo fails to disclose **a dispensing unit designed to disperse a coating material inside the pan over a mass of the products located in the pan.**

Moreover, please note that the helical flow regulating fin (19) of Velo does not **extend along the whole truncated cone shaped front portion of the inside surface in a respective helical direction.**

By contrast, in the present invention, each helical flow regulating fin extends circumferentially along the entire truncated cone shaped front portion in the respective helical direction.

Thus, amended claim 1 is clearly new over the prior art, since neither Itoh nor Velo show all technical features disclosed in amended claim 1

### **Claim Rejections - 35 U.S.C. 103**

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable taking Itoh et al. (EP 362888) in view of Velo (EP 504773).

Claims 6 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh et al. in view of Velo as applied to claim 5 above, and further in view of Burke et al. (U.S. Patent No. 6,769,381).

Claims 8 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh et al. in view of Blouin (T927005).

Claims 10 and 16-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh et al. in view of Dunn Jr. (U.S. Patent No. 3,606,860) and Gross (U.S. Patent No. 4,421,020).

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Itoh et al. and Blouin as applied to claim 8 above, and further in view of Dunn Jr. (U.S. Patent No. 3,606,860) and Gross (U.S. Patent No. 4,421,020).

Claims 2, 9, 13, and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Velo in view of Itoh et al.

Claims 6 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Velo in view of Burke.

Claims 8 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Velo in view of Blouin.

Claims 10, 17 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Velo and Itoh et al. as applied to claim 9 above, and further in view of Dunn Jr. and Gross.

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Velo and Blouin as applied to claim 8 above, and further in view of Dunn Jr. and Gross.

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Velo in view of Dunn Jr.

Claims 16, 18 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Velo and Blouin as applied to claim 15 above, and further in view of Dunn Jr. and Gross.

Applicant points out that claim 5 depends upon and contains all the technical features of amended claim 1.

As previously stated, claim 1 differs from Itoh at least in that it claims **one helical flow regulating fin extending along the whole truncated cone shaped front portion of the inside surface in a respective helical direction.**

Such features are also not shown by Velo.

Indeed, as above discussed, the helical flow regulating fin (19) of Velo does not **extend along the whole truncated cone shaped front portion of the inside surface in a respective helical direction.**

For this reason, also combining the teachings of Itoh with the features of Velo it is impossible to obtain the technical features discussed in amended claim 1, and in particular, the features regarding an **helical flow regulating fin extending along the whole truncated cone shaped front portion of the inside surface in a respective helical direction.**

With respect to claim 5, which contains the new and inventive subject matter of claim 1, it is to be noted that the combination between the teachings of Itoh with the teachings of Velo, does not achieve all the technical features contained in claims 1 and 5.

For this reason, amended claim 1 and dependent claim 5, which depends on claim 1, are patentable over the prior art.

Claims 2, 9, 13 and 14 depend directly or indirectly from claim 1 and are patentable over the prior art for the identical reasons as claim 5 above and further for the additional limitations contained therein.

None of Burke, Blouin, Dunn, Jr., or Gross cure the above noted deficiencies of the proposed combination of Itoh and Velo. Consequently, claims 3 – 8, 10 – 12, and 15 – 20 which also depend directly or indirectly from claim 1, are patentable over the prior art for the identical reasons as claim 5 above and further for the additional limitations contained therein.

In view of the foregoing, reconsideration and withdrawal of the above rejections is respectfully requested.

### **Conclusion**

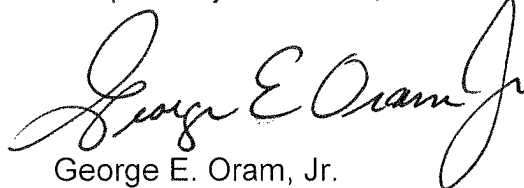
The prior art made of record but not applied by the Examiner has been carefully considered but is submitted to be less relevant than the references previously discussed.

All matters having been addressed above and in view of the pending claims and remarks, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Applicants' counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

In the event that this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 023349-00305.

Respectfully submitted,

A handwritten signature in black ink, reading "George E. Oram, Jr." in a cursive script.

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